

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

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GARY D. ARONSON, <u>et al.</u> ,	:	
	:	No. 1:11-CV-11492-NMG
Plaintiffs,	:	
	:	(Consolidated with No.
v.	:	1:11-CV-11515-NMG)
	:	
ADVANCED CELL TECHNOLOGY, INC.,	:	ORAL ARGUMENT
	:	REQUESTED
Defendant.	:	
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**ADVANCED CELL TECHNOLOGY'S
PARTIAL MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINTS**

Defendant, Advanced Cell Technology, Inc., through its undersigned counsel and pursuant to Fed. R. Civ. P. 12(b)(6), respectfully moves to dismiss in part the Second Amended Complaints (ECF Nos. 59 & 60) filed by Plaintiffs, Gary Aronson and John Gorton, as trustee, for failure to state any claim upon which relief can be granted.¹

The bases for this motion are set forth in the accompanying memorandum of law, which is filed herewith.

REQUEST FOR ORAL ARGUMENT

Defendant respectfully requests an oral argument on this motion.

¹ For purposes of efficiency, and in light of the fact that Plaintiffs' Second Amended Complaints are substantively identical, the parties agreed to consolidate their briefing for ACT's motion to dismiss. ACT reported this agreement to the Court in its assented-to motion for an extension of time to respond to the Second Amended Complaints (ECF No. 61), which the Court granted on November 16, 2012 in a paperless order.

Date: November 30, 2012

Respectfully submitted,

/s/ Jonathan L. Kotlier

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I hereby certify that counsel for defendant Advanced Cell Technology, Inc. conferred with counsel for Plaintiffs concerning the subject matter of this motion, and Plaintiffs oppose the relief sought herein.

Dated: November 30, 2012

/s/ Andrew Gendron

CERTIFICATE OF SERVICE

I hereby certify that, on November 30, 2012, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: November 30, 2012

/s/ Jonathan L. Kotlier